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## TEN PAGES.

ATLANTA, GA., May 9, 1893.

## Democrats and the Income Tax.

The income tax is a democratic idea, from first to last, so far as its history in this country is concerned.

In the early days of the republic Thomas Jefferson wrote a letter in which he suggested and advocated a graded income tax. He believed that the tax should be imposed upon large incomes, and that the rate should be increased in proportion to the size of the incomes.

We print in another column a chapter of history from the Washington correspondent of The New York Tribune, showing that in congress a democratic majority has always favored this fair and just tax. A majority of the democratic members in the house voted for such a tax in 1877. The following year there was a large democratic majority in favor of a resolution instructing the ways and means committee to report an income tax bill. Such democrats as Messrs. Carlisle, Herber, Blackburn, Bland, Culberson, Mills and others voted for it. During the same year the income tax came up again and only ten democrats voted against it. There was another democratic majority for it in 1886, and in 1888 Mr. Reagan, of Texas, introduced a bill imposing a tax of 5 per cent upon all incomes from \$1,000 to \$5,000 a year; 7 1/2 per cent on incomes from \$5,000 to \$10,000, and 10 per cent on all incomes in excess of \$10,000. Whenever the proposition has been brought before congress it has never failed to command a majority of democratic votes.

The average democrat, north or south, who is in sympathy with the ideas of Jefferson naturally favors a graded income tax. A genuine democrat, opposed to class legislation and monopoly, believing in special favors to none, and equal justice to all, sees no fairness in a system under which a citizen with a \$5,000 farm has to pay heavier taxes than a rich bondholder with an income of \$10,000 a year.

It is right that the men with big incomes, who enjoy a greater share of benefits under the government than their poorer neighbors, should be taxed in proportion to their wealth, no matter whether it materializes in the shape of an income or in the shape of houses and lands.

The majority of all good democrats, from Jefferson down, have always had this view. Now, more than ever, we need this tax. We need it to make up the revenue that will be lost when we cut down the tariff to a revenue basis; we need it to lighten the unjust burdens of the masses, and we need it because it is just and equitable.

## Mr. Cleveland Speaks.

The fact that Mr. Cleveland has been compelled to make public a document that is in the nature of a proclamation, warning office seekers that their opportunities will no longer be tolerated, shows a state of affairs that has had no parallel, so far as we know, in our political annals.

A little while ago, when the editor of The Constitution outlined the situation in an article contributed to The New York Herald, our esteemed contemporary, The New York Sun, devoted a half column of criticism to the statement that the president is harassed by office seekers. The Sun will learn from the official declaration of Mr. Cleveland that the statement made in The Herald article fell somewhat short of the facts.

That the pressure on Mr. Cleveland has been extraordinary is beyond question. No other president, so far as we know, has been compelled to issue formal notice to the office-seeking class that he will no longer lend an ear to their importunities. He requests congressmen to stand between him and their hungry hordes of constituents, and advise office seekers not only to keep out of the white house, but to leave Washington.

We think The Sun will agree with us that when the pressure of office seekers compels the president to issue such a proclamation as this the situation must be pretty bad.

All the trouble seems to come from the northeastern democrats and the mugwumps, who believe that they are personally responsible for Mr. Cleveland's election. These elements have swarmed in the federal capital, and their importunities have been increasing during the sixty odd days since Mr. Cleveland's inauguration.

The south has ever been modest in the matter of office seeking. A number of office seekers from the south may be there now—but never at any time has the number of applicants from any southern state reached twenty-five per cent of the number of offices to which each state is entitled under the just and equitable apportionment that existed before the republicans took charge of affairs and wrested the civil service to partisan use.

This is true of Georgia, which is anti-

ated to more than 2,000 places in the civil service, and it is just as true of the rest of the southern states. At present New York and Ohio have more offices than all the southern states put together. There is no pressure of applicants from Ohio at present, but there is an extraordinary pressure from New York and the northeast, and the president does well to issue his proclamation advising this rapacious element to return quietly to its home and cease from disturbing the peace of the executive.

## The Case of Boss Buck.

If Mr. Cleveland is correctly reported in our Washington dispatches, it is clear that he misunderstands the drift and tenor of the Buck recommendations signed by certain Georgia democrats, including Senators Colquitt and Gordon.

These recommendations were addressed to a republican president, and their purport was that, if a republican president desired to lay his hands on a warm and vigorous republican, Boss Buck was the man.

Down here in Georgia we thought then and we think now that when a republican president is hunting around for active and vigorous republicans to put in office he would make no serious mistake in lighting on Buck. On the other hand, we thought, and we still think, that a republican partisan as offensive as Buck should be flipped out of office as soon as a democratic president can get to a bottle of ink after taking the oath of office. In Georgia we think that Buck is the very man to hold office under a republican administration, but that he is the very last man in the world who ought to be permitted to hold over under a democratic president.

It is to be noted that none of those who recommended Buck, on his record as a devoted republican, as a fitting man to be appointed to office by a republican president, have petitioned Mr. Cleveland to permit him to hold over and occupy the office that ought to be given to a democrat.

The probability is that Mr. Cleveland did not make the remark that rumor attributes to him. It is impossible that he could find in the recommendations made to a republican president in behalf of Buck an excuse for keeping that renowned and vigorous partisan in an office that he has employed as a point of vantage to attack the democratic party in Georgia. There must be some other reason for Buck's retention—or he may owe his retention to the simple fact that the president, in the midst of other duties, has not found an opportunity to flip him.

Whatever the reason is, this much is certain: the democratic sentiment of Georgia is in favor of his immediate removal. This fact ought to, and doubtless will, have great weight with Mr. Cleveland. It ought to spur those who represent Georgia in Washington to urge on the president the prompt decapitation of this apostle of vindictive republicanism.

## The Rise in Pork.

The present high price of pork, equaled only twice in the past twenty years, is a serious matter.

Since the war each great advance in pork has come as The New York Sun remarks, one or two years after short corn crops. During the past eight years our population has increased 11,000,000, but there has been no increase in the number of people engaged in raising hogs. In that time the corn area has expanded in Kansas and Nebraska, but it has steadily declined in the other great corn producing states. The Sun says:

Pork prices for swine result logically from the cessation of the increase of the corn area that occurred about the middle of the last decade and are likely to continue with fluctuations dependent for their range and duration upon an acre yield of corn upon an area constantly diminishing, relatively speaking, and not likely to be at the maximum; and such prices are not likely to be any lower by reason of the fact that the swine supply of the United Kingdom has declined more than 25 per cent within the past year.

Cheep pork depends upon an increase of the number of pig growers proportionate to the increase of population, and the increase of population is dependent upon the number of acres of corn, which seems to be impracticable, or, at least, wholly improbable, and has not obtained during recent years. It is true that since 1885 additions have been made to the number of farms, but almost wholly in the one northwestern region where swine are the commercial staple and where swine production has increased for home needs. We may, and probably shall, continue to add to the number of farms in the northwest, but in so doing shall add only to the wheat growers, and, in the towns and villages of that region, to the pig eaters, just as in the last eight years there has been no appreciable increase in the number of pig growers, although there has been this period no less than 11,000,000 added to the pig eaters; and the result, the inevitable result, is seen in depleted stocks, ascending prices, decreasing exports, and some addition to an adverse balance of trade.

The fact stated here should convince every southern farmer that it is to his interest to produce his home supply of corn and pork, and there is no good reason why he should not go beyond this and produce commercial pork. We are pig eaters, as our New York contemporary expresses it, and the absolutely certain increase of pig eaters at the rate of, say fifteen or twenty millions every ten years should put us to notice that pork for some time to come will be a very expensive article of diet.

Brer Hog is looming up as a very important factor in our every day existence, and we cannot afford to neglect him. It is easy enough to raise hogs in this region, and it will pay.

## The Cotton Problem.

A writer in The Richmond Progress-ive South believes that British syndicates fix the price of our cotton because England manufactures it very largely, and a good deal of the cotton manufacturing in the United States is done on British capital.

This writer thinks that the south can control the whole business, and make a ten-million-bale crop bless the whole world and profit the planter. His suggestion is that southern cotton mills should double their capacity and every encouragement should be extended to new mills. The thing for us to do is to manufacture all the cotton we possibly can in the south. It is a profitable industry, and cannot be overdone for many years to come.

When we reach a point where our cotton will be manufactured at home it will be impossible for foreign syndicates to fix the price of our raw material. The world will be compelled to have our manufactured product, and our manufacturers will get good prices

and be able to pay the planter considerably more than the cost of producing the raw material.

There is apparently plenty of good horse sense in this view, but it will take time to educate our moneyed classes up to it. At present the average southerner with money is attracted by speculative, commercial and real estate investments. The manufacturing idea strikes us only occasionally and in spots, but when it takes possession of our people the south will be the richest country in the world, and she will dictate terms, instead of being at the mercy of outsiders.

## A National and Not a Sectional Evil.

Our northern contemporaries generally denounce lynch law as a sectional evil—a southern custom—and when brought to book, and compelled to note the lynchings in their own region they say that such lawlessness is condemned by northern public opinion, whereas it is positively tolerated in the south.

This is as far from the truth as anything could be. The lynchers of the negro at Port Jervis, N. Y., last year were not punished, and no active steps have been taken to punish them. How is that for passive toleration, and what sort of public opinion does it indicate?

This evil is not sectional; it is thoroughly American. The other day a guilty negro was lynched near Kingsbridge, S. C.; a white man shared the same fate near Duluth, Minn., and lynchings were threatened at Knoxville, Tenn., and at Seymour, Ind. So it will be seen that there is nothing sectional nor racial about this peculiar form of lawlessness.

We believe that the south will keep pace with the other sections in suppressing lynch law and will not lag behind.

Our law and order loving people are overwhelmingly in the majority, and their educated intelligence makes them fully aware of the fact that when mob violence is tolerated it is equivalent to serving notice upon the ignorant and dangerous classes that our civilization is a failure; that every man may judge and avenge his own wrongs, and that in the hands of men entirely desperate the shotgun is mightier than the law.

Our good people, home owners, taxpayers, industrious citizens and their governors, judges and sheriffs all take this view of the situation, and their complete triumph over a small turbulent and reckless element is already in sight. We are going to uphold the law at any cost, but a great reform cannot be accomplished all at once. Rome was not built in a day.

## Republican Reinforcement.

While Mr. Chauncey Depew and Mr. Ingalls are engaged in criticising Mr. Cleveland and measuring his intentions by the sordid aims of the republican party, Mr. Murat Halstead is urging the republicans in congress to reinforce Mr. Cleveland and "the democratic minority."

Mr. Halstead is one of the profoundest statesmen—on paper—that this country has ever seen. Ingenious in suggestion and fertile in resource. But it is to be noted that all his suggestions are made and all his resources are employed to further the interests of the practical organization of which he is drum major. There is something grim and sardonic in his suggestion that Mr. Cleveland and the democratic minority "will be reinforced" by the republican contingent.

As a matter of fact, the republican contingent in congress will stand ready to knife Mr. Cleveland and the democratic majority whenever an opportunity offers. It will stand in the way of tariff reform. It will stand in the way of financial reform. It will impede its solid phalanx to prevent the compromise which must accompany the Sherman law of 1890. In short, it will endeavor in every way to embarrass Mr. Cleveland and the democrats.

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## PASSING THROUG

hoppers, of Josephine, the most efficient means of promoting industry and diversified the rural people of Georgia is the old system of county fairs. These fairs are held in almost of the state, I think, he said. They will stimulate the people to grow finer crops and a general products of the more valuable encourage the diversifying of their greater attention to the health and care of domestic animals will again arouse them to have a more active and more contented and healthy now. The culture of fruit and vegetables becomes more general and canning establishments become people will meet once a year in their own familiar problems and affairs, hear questions of farm, stock, economy discussed by our own friends of service. I tell you, the is the thing, in my opinion, alliances and all other forms of socials."

Craig, judge of the county court, was at the Aragon yesterday with a committee from his city. He is one of the envoys of Brunswick, without whose services she could not have become modernized city she now is.

As "Smith was down from yesterday. He is as usual and is ever, notwithstanding, he is the proof sheets of his new book bloom forth with the June

and reports the revival service still in full progress. The electric lights will make it late for the people for a few evenings, but Griffin

lines is profoundly stirred

general prediction of great good

one revival.

and Walden, of the Methodist church, are expected in the week to engage in the services of Clark University and of Theology. Both these

are well known to many

and will be cordially welcomed

on Sunday evening, in memory and virtues of the late

was commended yesterday

to hear it as one of the most

spoken

Hammond has a rare

lesson for noble and spiritual

address that comes from

beauty, both in diction and

and the oration, replete

umor and eloquence, and will

be a great banquet at Del-

aware as the finale. The only

order in Atlanta, if not in

J. Tyler Cooper, who wears

signs of the order, many descendants

accompany. Colonel Cooper

has been an honored guest

unions. He may attend again

—

Womack was a diner at the

and the spread for

Georgia notables with some of

and rare experiences.

spoon of Knoxville, Tenn.,

last week to consult Dr. Cal-

and thought his jaw was se-

and was anxious to have

order before he could

overtake him. On his re-

turn the major informed his

that "Dr. Calhoun is

neck up. When he asked me

I told him that was what

he meant. I looked me over and

nothing the matter. So I came

right."

erup, the venerable looking

Spring, was in the Kim-

berly, and seemed like one

banquet had deserted." He

in Atlanta unless he has

the solons of the general assem-

with. He longs for the No-

and the sonorous roll-calls of

—

J. Bailey, Jr., who will be

next Friday from Spald-

geed, Judge John L. Hall,

was in Atlanta yesterday.

will be a brilliant and useful

annual meeting.

Nisbet, of Macon, was a

ball yesterday. He is one

of the most famous names in Georgia history,

he bear it in these later

many friends in Atlanta who

are with his visits.

and wife of Young Har-

among those who graced the

yesterday.

file of Cartersville, was

host of Atlanta friends

—

of Abbeville, Ga., was

Markham and found a warm

and admiring in

country.

of Americans, was a

part of the Markham re-

lative and other important

brings him to the capi-

It is always finds him

welcome by his countless

—

He sought to be no

with the vicious Sher-

out the democratic plat-

pealed outright and a free

in its stead.

It looks very much as if

to talk his way into of-

ture.

Journal: Abolish recip-

— near an approach to

necessities of our govern-

Democrat: When the de-

recesses and coffee back on

will be in a splendid new

appeal for the poor

## HUNDREDS IN COURT

Friends of the Negro Minister Overflow the Courtroom.

## FINED AND LECTURED BY THE RECORDER

He Leaves Court Surrounded by a Great Mob of His Followers—He Narrowly Escaped Rough Treatment.

When the patriarchal, white-bearded Baillif Parish, of Judge Andy Calhoun's court, rapped for order at yesterday afternoon's session of police court, black faces of every condition and had stretched eagerly forward from every part of the courtroom and gazed anxiously at the recorder.

It was a mighty black sea of faces, and the wearers of the big African masks crowded into every inch of available space in the courtroom, and still a half hundred or more stood pressing around the door seeking admission. The seats were packed to their fullest capacity; masses of blacks stood in the aisles, in the windows, and in every foot of open space in the room.

The drawing card, which had attracted such a great multitude, was the trial of the negro minister, Holmes, for making improper advances to Miss Dorie Kerr, on late Saturday morning, which was to be concluded at yesterday afternoon's session of court. Since the affair occurred on Saturday it had been all the talk among the negroes, which was only natural, as Holmes is one of the big bugs in colored mischievous circles, not only in Atlanta but in the state.

Holmes' church is a very large one, and was pretty deeply stirred over the rest of its pastor on a serious charge. The church on Sunday evening, and the negroes conducted in his spirituality and ministerial integrity, and proposed to stand by him to the last. He attended to his ministerial duties on the Sabbath as if nothing had happened. He officiated at a whole series of baptisms, and did the work with as much spirit and unction as characterized his early work.

Yesterday afternoon, perhaps four hundred negroes were present in the courtroom to see the end of the trial. The pillars of Holmes' church were there, and the shouting slaves. The庭室 was filled with noise while Judge Calhoun was getting rid of the drunks, and when finally Holmes was called out, there was a little suppressed murmur, and then very awful silence.

Holmes was very neatly arrayed. His clerical dress was perfectly arranged, though when he appeared for trial on Saturday, and he was slicker in every way. Despite the fineness of his appearance, Holmes was plainly nervous and the corners of his mouth twitched as he stepped forward and handed over to the recorder. While the recorder was getting at the contents of the notes, Holmes leaned uneasily against the clerk's desk.

"Holmes," said the recorder, "you have committed a very serious offense—indeed, which may have had very serious results. Such things as you have been guilty of often cause lynchings and might have caused one in your case. You have acted very improperly, and I will give you a fine of \$25 and costs."

There was a murmur of triumph amid the sea of negroes as simultaneously with the announcement of the decision, they began to move toward the door, and two or three negroes threw their hats in the air. They met and surrounded Holmes as he walked out, and carried him off, and the negroes followed.

There was considerable hubbub, and Baillif Parish had his hands full to keep order. Recorder Calhoun administered a severe rebuke to the noisy ones, threatening to send the guilty ones to jail unless the disorder instantaneously ceased. Holmes' fine was paid and went off with the members of his congregation.

"EARNEST WILLIES' DAY.

He Establishes a Literary Hall with Impost in Georgia.

Sunday was a red-letter day for Upshaw

and the Georgia house known as the home of the McBeth Literary Circle, a club composed of negroes, which owns the surrounding country, which owes its existence and marked success chiefly to the untiring efforts of Mr. Will D. Upshaw, formerly known, especially to the colored people, as the "Negro Lincoln."

Upshaw, with his wife, Mrs. Will D. Upshaw, and his mother, Mrs. James P. Springer, has a rare collection of negroes, which is a necessary companion of all his travels. His collection of the negroes, which is a necessary companion of all his travels, is now one hundred and twenty-five.

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## WHO WILL GET IT?

Mr. Harvey Johnson's Resignation to Come,

## AND THEN A SPRING-TIME RACE

For the Place He Makes Vacant Will Be On—Who Will Get It?—It Will Be an Interesting Contest.

Hon. Harvey Johnson's retirement from the legislature because of his appointment to Antwerp has produced another political speculation.

Who will succeed Mr. Johnson in the legislature?

That's the political speculation and it is the question every one who has any interest in the government of the county and state is asking.

It has been a long time since any one in Fulton county resigned from office, and the chances are that Mr. Johnson would not have been the first to get the example but for the good luck which came to him through the Cleveland administration.

However, the vacancy is none the less acceptable to the many who have a desire to serve their country. In fact, it is more acceptable to all who know Mr. Johnson, because he is a gentleman any one might follow with pride and pride.

Mr. Johnson's retirement from the position, although he has not yet even resigned, became known only Saturday last after he had been informed of his appointment, and let there be quite a number of aspirants for his position.

The Montgomerys, who have been given three straight defeats in Memphis, will try that other Tennessee town, Nashville, for the next three days, and may be they will have better luck.

Jack Kelly's boys, who have been in Birmingham, will jump to Memphis for three games.

The New Orleans team, which has been given an income tax, although it is a very serious offense, seems to have as yet authorized the use of their names for the place.

Among the number, Hon. Charles Northern, Hon. John Colvin, Hon. Jacob Haas, Mr. G. Oglesby, Mr. Thomas F. Corrigan and Mr. Hollis A. Boynton.

Just as soon as Mr. Johnson's resignation goes in the race will take some definite shape.

## THE INCOME TAX.

## Democrats Have Always Favored It.

Washington Correspondence N.Y.—The proposition to tax the "income tax," originated in the House of Representatives after the rebellion; in fact, it has never failed to command a democratic majority whenever it has been brought forward.

The forty-fifth congress Carter, of Illinois, offered a bill to tax the "income tax" on the 1st of January, 1864, to be voted on in the House of Representatives.

Mr. Carlisle, of the 11th district, introduced a bill to tax the "income tax" on the 1st of January, 1865.

Both bills were introduced by Mr. Carlisle, of the 11th district, and were voted on in the House of Representatives.

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SHOES  
DREN  
I Stand Pre-  
one the

arters of Ga.

40c, 75c and \$1  
50c  
50c, 65c and \$1  
75c and \$1  
85c  
75c  
\$1 and \$1.25  
\$1 and \$1.25  
TORIES AT DOUBLES THE  
\$1.25, worth \$2  
shoes, only \$2, sold at \$3.50

50 and 75  
calf, hand-sewed Shoes in  
solid, serviceable, stylish Shoes.

about them. Come and see

LLING,  
use on Earth,

Street.

TRACTIONS

S WEEK.

Parlor and Dining Room  
of the finest and most  
Room Suits for \$1,000,  
will be shown at the

Leather Couches, Loung-

most impenetrable, and we

are showing 200 pieces

the handsomest display of

three carloads of Grand

Book Cases, Glass Door

already immense stock,

knife almost half through

special inducements as to

The largest assortment of

TIURE

\$15 to \$35. The best on

the spring. If you are in

ture from the very finest

you can find it on our

earth.

**& Son.**

G. A. NICOLSON,  
Assistant Cashier

Banking Co.

Profits, \$50,000.

and loans made on collateral  
hanging or opening new account  
till ws: \$1.50 percent, if late 60 day  
ly

X. Vice President  
S. Assistant Cashier

Banking Co.

Profits, \$50,000.

authorized to act as administrator

Receiver for Estate Corpora-

ties contemplating the crea-

tion and other securities, and is

H. R. BUNNETT. Cashier.

JUST COMPANY

Division

\$200,000

for corporations and indi-

viduals and other securities, and is

in a saving bank department.

J. C. DAYTON, Cash.

K.

FOR

7,000,000

and sold on the principal

Approved paper dis-

tricts and trust funds at the

days. No interest paid on

holder, H. L. Atwater, C. H.

Feb 26-1900

## THE SUPREME COURT.

Decisions Rendered Monday, May 2,  
1893.

### REPORTED FOR THE CONSTITUTION

By Peoples and Stevens, Reporters for  
the Supreme Court of Georgia.

**PEPS v. the State.** Criminal law. Evidence. Accomplice. Before Judge Fallquist. Chatham superior court.

Corroboration of an accomplice upon the facts and circumstances of the corpus delicti, when the laborer has possession and control of the debtors and their actual produce it and offer to surrender it to the court which is called on to adjudicate upon the existence and enforcement of the lien. If, with the consent and approbation of his master, the laborer has possession and control of the debtors and their actual produce it, his endorsement with power to surrender it, and the title is at least equitably in him for the purpose of enforcing his lien, he is liable to be endorsed upon account for the returned draft, and not necessarily upon the 2d.

For the price of standing timber purchased by the proprietor of a sawmill, there is no lien upon the mill and its products under section 1885 of the code. Such timber is real.

(a) Is there any lien under that section for the cause of action due a contractor for cutting such timber belonging to the mill owner and for hauling and delivering the logs at the mill, this work not being embraced in the term "furnishing sawmills with timber, logs," etc.

(b) Is there any lien under that section in favor of persons who furnished machinery, hardware, implements, tools, etc., such as saws, belts, gages, valves, pinions, couplings, bolts, chains, nails, screws, gauges, augers, files, wrenches, ax handles, ropes, etc., etc.

Such articles are not embraced in the words "timber, logs, provisions," because no ejusdem generis with the things thus enumerated; but for oil with which to lubricate the mills and machinery there is a lien, this article, like the others, is embraced in the general words above quoted.

(c) In the present case, however, it does not affirmatively appear that any proceeding was taken to enforce the lien within twelve months after the debt, so far as chargeable upon the property now in question, became due.

Judgment reversed.

Jacob Estes and Livingston Kenan, for plaintiff in error.

J. M. Terrell, attorney general, and W. W. Fraser, solicitor general, contra.

**Loring Banking Company et al. v. Empire Lumber Company et al.** Insolvent Corporation. Director. Creditor. Mortgage. Suretyship. Subrogation. Before Judge Roberts. Dodge superior court.

1. As it is the duty of the directors of a corporation to be informed of its condition with reference to solvent or insolvent, there are to be treated as having the knowledge when a mortgage upon its assets is exercised with their assent or by the authority of the directors.

Judgment reversed in part, and in part affirmed.

DeLacy & Bishop, for plaintiffs in error.

Clara Estes, J. L. Hopkins & Son, and Hill, Harris & Birch, contra.

**Mercantile Trust Company, trustee, v. Empire Lumber Company et al.** Corporation. Sawmill. Railroad. Stockholder. Corporation. Before Judge Roberts. Dodge superior court.

Where it is the object of the directors of a corporation to be informed of its condition with reference to solvent or insolvent, there is a lien upon its assets when a mortgage upon its assets is exercised with the assent of the directors.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins et al. contra.

**3.** The mortgages under consideration are not only tainted with self-interest on the part of some of the directors, but may be tainted with that which was conferred upon the president and secretary by any corporate act of the board of directors done and recorded as the statute under which the corporation was created expressly prescribes. If one of these infractions alone would not render the mortgages void, certainly the two together have that effect.

4. The mortgages being void as between the immediate parties thereto, no trust was raised by them in behalf of the creditors of the corporation whom the sureties ought to be indemnified by the bond. Nor can they, in a like case, indemnify a surety of one or more of the directors, inasmuch as the indemnity of one surety is effected by operation of law to the benefit of the others.

5. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

6. In the light of all the circumstances this was sufficient evidence to warrant the report of the master that the corporation was insolvent when the mortgages were executed. Whether that insolvency was actually known or not to the mortgagees is immaterial.

7. Where, in the administration of the assets of an insolvent corporation, intervening creditors claim as mortgagees, or as subrogates to the alleged rights of mortgagees and it appears in evidence that they are creditors, but unsecured by the alleged mortgagees, the corporation may not have made in the recent case, should report the amounts due them, respectively, so as to enable them to have rendered by the court in their favor the requisite judgments or decrees to admit them to participate in the funds if any such may be left for distribution amongst creditors of their class. This should be done whether there be in their pleadings any express prayer for recognition as unsecured creditors or not. If one or more of them have judgments previously obtained in this state, the records of which judgments are in evidence, the amounts and dates of same should be reported as proved.

Judgment reversed in part and in part affirmed.

R. J. McCamy, P. L. Myatt & Son and N. J. Hammond, attorney in error.

J. F. Delacy, Clara Estes, Hill, Harris & Birch and John L. Hopkins & Son contra.

**8.** The mortgages under consideration are not only tainted with self-interest on the part of some of the directors, but may be tainted with that which was conferred upon the president and secretary by any corporate act of the board of directors done and recorded as the statute under which the corporation was created expressly prescribes. If one of these infractions alone would not render the mortgages void, certainly the two together have that effect.

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10. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins & Son contra.

**11.** Where, in the administration of the assets of an insolvent corporation, intervening creditors claim as mortgagees, or as subrogates to the alleged rights of mortgagees and it appears in evidence that they are creditors, but unsecured by the alleged mortgagees, the corporation may not have made in the recent case, should report the amounts due them, respectively, so as to enable them to have rendered by the court in their favor the requisite judgments or decrees to admit them to participate in the funds if any such may be left for distribution amongst creditors of their class. This should be done whether there be in their pleadings any express prayer for recognition as unsecured creditors or not. If one or more of them have judgments previously obtained in this state, the records of which judgments are in evidence, the amounts and dates of same should be reported as proved.

Judgment reversed.

R. J. McCamy, P. L. Myatt & Son and N. J. Hammond, attorney in error.

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**12.** The mortgages under consideration are not only tainted with self-interest on the part of some of the directors, but may be tainted with that which was conferred upon the president and secretary by any corporate act of the board of directors done and recorded as the statute under which the corporation was created expressly prescribes. If one of these infractions alone would not render the mortgages void, certainly the two together have that effect.

13. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins & Son contra.

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15. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins & Son contra.

**16.** The mortgages under consideration are not only tainted with self-interest on the part of some of the directors, but may be tainted with that which was conferred upon the president and secretary by any corporate act of the board of directors done and recorded as the statute under which the corporation was created expressly prescribes. If one of these infractions alone would not render the mortgages void, certainly the two together have that effect.

17. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins & Son contra.

**18.** The mortgages under consideration are not only tainted with self-interest on the part of some of the directors, but may be tainted with that which was conferred upon the president and secretary by any corporate act of the board of directors done and recorded as the statute under which the corporation was created expressly prescribes. If one of these infractions alone would not render the mortgages void, certainly the two together have that effect.

19. There is no presumption of law that bonds held by a creditor as collateral security are to be construed as subrogating the assets of any insolvent debtor such bonds should be estimated at their true value only, and the creditor should be allowed to prorate with unsecured creditors upon the balance of his claim.

Judgment reversed.

Estes & Estes for plaintiff in error.

DeLacy & Bishop, for defendants in error.

J. M. Wooten, Smith & Clements, P. L. Myatt & Son, John L. Hopkins & Son contra.

**20.** The facts in the record, including the concession of there being no liens against the property, the court erred in sustaining the record.

Judgment reversed.

DeLacy & Bishop for plaintiff in error.

Clara Estes, Hill, Harris & Birch, and John L. Hopkins & Son contra.

**21.** The facts in the record, including the concession of there being no liens against the property, the court erred in sustaining the record.

Judgment reversed.

Ellis & Gray & DeLacy & Bishop, for plaintiff in error.

Clara Estes, J. L. Hopkins & Son, Hill, Harris & Birch and John L. Hopkins & Son contra.

**22.** The facts in the record, including the concession of there being no liens against the property, the court erred in sustaining the record.

Judgment reversed.

DeLacy & Bishop for plaintiff in error.

Clara Estes, Hill, Harris & Birch and John L. Hopkins & Son contra.

**23.** The facts in the record, including the concession of there being no

## TOO MANY WIVES.

Dr. Charbone Was in Court Yesterday Morning.

PORTER STOCKS'S TRIAL MONDAY WEEK

Dr. Charbone Was Too Unwell to Be Tried Yesterday, and Will Be Given a Hearing Thursday—Other Matters.

Dr. Charbone, the little man with two wives who is charged with excessive matrimony, was the hero of the hour in the criminal branch of the superior court yesterday morning.

He was not tried, however, as was generally expected, and there was a look of disappointment on the faces of those present when this decision was announced.

The trial is simply deferred for a day or two, and the doctor will be given an opportunity to vindicate himself next Thursday morning. The case was made the special order for the day and will come up at 9 o'clock.

The doctor was not himself yesterday morning and seemed to be in need of his own physic. There was a vacant look about his eyes as if his spirit had sought out the tropical skies of South America and was revelling among the mountains of his boyhood.

He was thinking of the time beyond that first spring of the year, when his "fancy" lightly turned to thoughts of love."

His hair was not in the best of trim and like his beard, which presented a rather neglected appearance, it seemed to be in full accord with his sentimental inclination. It was easy to perceive that he was very uneasy, he continually twitched his chair and seemed to be wrought up to a high pitch of excitement.

Only one of his wives was present, the one he led to the altar in North Carolina. The other was too ill to be present, and was confined to her room at her home in Fairburn. His restless eyes repeatedly sought out his former half, though he withdrew them as soon as he encountered the gaze of her own. It was a very amusing picture to watch the nervous little gentleman, and we could not help a good many glances while he cast in his direction.

"Will you stand up, Dr. Charbone?" asked Judge Clark, at the same time straining his eyes as he riveted his gaze upon the chair in which the little doctor sat.

Instantly there was a commotion in the air, and soon the doctor had planted his feet in such a position as to easily maintain a vertical position, he announced that he had complied with the order of the court.

"How do you spell your name, Mr. Defendant?" inquired the judge.

His lips parted. After a struggle through the oral examination which was needed to satisfy the question of the court, he was confronted with the next question.

"How do you pronounce it?"

"Charbone," was the reply, and it looked as if pride ownership spread over his face as he gave utterance to his matrimonial cognomen.

"That will do, sir, you may take your seat." The little fellow seemed to breathe easier as he adjusted himself in his chair.

It turned out, however, that his lawyer, Mr. Moyers, was not in court. Colonel W. H. Hixson, who was present, was appointed by the judge to look after the "legal status" of the doctor, in the absence of the lawyer with whom he had consulted.

Colonel Hulsey consulted with the defendant for a few minutes and then announced that his client was not sufficiently well to go on with the cause. Dr. Gilber was placed on the stand and gave it in such a position as to easily maintain a vertical position, he announced that he had complied with the order of the court.

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Colonel Hulsey consulted with the defendant for a few minutes and then announced that his client was not sufficiently well to go on with the cause. Dr. Gilber was placed on the stand and gave it in such a position as to easily maintain a vertical position, he announced that he had complied with the order of the court.

"How do you spell your name, Mr. Defendant?" inquired the judge.

His lips parted. After a struggle through the oral examination which was needed to satisfy the question of the court, he was confronted with the next question.

"How do you pronounce it?"

ERLIN.  
JOHNSON & CO  
SHOES

## KNIGHTS TEMPLAR,

Mystic Shrines and Red Men Will All  
Have Powwows.

## ORDERS TO BE CONFERRED IN AUGUSTA

The Templars and Shrines Will Meet in  
Augusta—The Improved Order of  
Red Men in Mason.

They are  
and, strange, but true, they  
by hand, and they are made for  
Johnson & Co. We discontinued  
goods in order to improve our fa-  
ladies' misses' and children's  
and the present arrangement suits  
exactly, as we have the whole  
for the ladies to take all the time  
in a comfortable fit. We keep all  
in stock before buying your slippers.  
We save you money, as the best is

ERLIN.  
JOHNSON & CO  
HOUSE.

TO THE WORLD

BOWEN AVE.

make a  
and reservation of room  
SAITER, Manager.  
may 5-e o d-10t

Cream Freezers

E TO BUY.  
TO NONE.  
make a mistake  
before purchasing.

TOCK  
and Gas Fixtures  
house.

TH COMPANY  
s Fitters and Gal-  
lanta Ga.

Y  
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worst forms of  
e, acts mildly,  
nigorously and  
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by druggists

## SUPREME COURT OF GEORGIA.

Order of Circuits, with the Number of Cases Remaining Undisposed Of.	
Atlanta	11
Stone Mountain	5
Conyers	5
Augusta	5
Decatur	5
Easters	5
Northers	15
Westers	7
Blue Ridge	3
Cherokees	3
None	9

Proceedings Yesterday.

After delivery of the decisions elsewhere reported, the following cases were disposed of:  
Jenkins v. the state, from Whitfield. Madox v. State, for plaintiff in error.  
A. W. Fife, solicitor general, contra.  
Thorpe v. the state, from Chattooga. Cain & Kennedy and John Nicholson, Jr., by Harlan & Peeples, for plaintiff in error. W. W. Fraser, solicitor general, by brief, contra.  
Carreker v. the state, from Talbot. J. J. Carreker, for plaintiff in error. S. P. Gilbert, solicitor general, by brief, contra.

Atlanta Circuit.

Kidwell v. Richmond and Danville Railroad Company. Withdrawn.

Richmond and Danville Railroad Company v. Richardson Jackson & Black for plaintiff in error. Glenn & Slaton, contra.

Pelligrini & Castiglione v. Cunningham. J. A. Anderson, for plaintiff in error. J. H. Gilchrist, contra.

Morrow v. Atlanta Trust and Banking Company. Dismissed.

Atlanta and Florida Railroad Company v. Fife. D. W. Bourne, C. Z. Blawie, for plaintiff in error. G. S. Thomas, J. W. Cox, et al., contra.

Richmond and Danville Railroad Company v. Mathers. Jackson, Leftwich & Black, for plaintiff in error. W. L. Latham, contra.

Richmond and Danville Railroad Company v. Walker. Jackson, Leftwich & Black, for plaintiff in error. W. L. Latham, contra.

Richmond and Danville Railroad Company v. Held. Stover, contra.

The advertising of Hood's Saraparilla is substantiated by endorsements which in the financial world would be accepted in a moment. They tell the story—HOOD'S CURES.

How is Your Blood?

I had a malignant breaking out on my leg below the knee, and was cured sound and well with two and a half bottles of S.S.S.

to do me any good. WILL C. BEATTY,  
Yorkville, S.C.

S.S.S. 

I was troubled from childhood with an aggravated case of Tetter, and three bottles of S.S.S. cured me permanently. WALLACE MANN,  
Manville, I. T.

Our book on Blood and Skin Diseases mailed free. SWIFT SPECIFIC CO., Atlanta, Ga.

WANTED—Reliable men in every county in the United States to distribute circulars at \$2 per thousand. Address, with stamp National Advertising and Information Bureau, Box 1173, Chicago, Ill. May 7-11.

WANTED—A band of three or four good musicians to furnish music at West Springfied, Mo., on the 15th instant. Address Charles L. Davis, Warm Springs, Ga. May 7-11.

WANTED—Thoroughly competent all-round wood machinery man. Also has had experience as superintendent electric light and water works, and has had much experience in operations and management. Best of references given. Address Lock Box 85, Cedartown, Ga. May 4-6.

WANTED—Traveling salesmen, or have fine side line. Bouquet Cigar Co., Lynchburg, Va. May 4-6.

WANTED—Salary or commission to agents to handle the patent Chemical Ink Erasing Pencil. The most useful and novel invention of the age. Address, Box 100, Atlanta, Ga. May 4-6.

LADY WANTED—To act as state agent for the Fain's Hazelite, a positive cure for all female diseases. For details, address, J. D. Address Dr. Douglas & Co., South Bend, Ind. May 4-6.

SITUATIONS WANTED—Male.

WANTED—Position by a competent bookkeeper after the 15th instant. Best references. I. F., care Constitution.

May 7-31 sun tues that.

WANTED—Miscellaneous.

WANTED—Ladies to write at home. Enclosed stamped envelope. Bertha Benz, secretary, South Bend, Ind. May 7-18.

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WANTED—Two hounds dogs, trained to track, experienced, for sale. W. H. Henderson, 1818, Ga. May 28-31 sun tues wks.

WANTED—If you have a friend who uses opiates or liquor to excess you may be the means of saving his or her life by sending name to R. B. H., 50 Marietta street. Communications strictly confidential.

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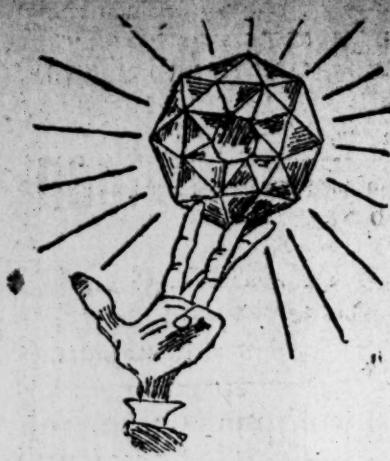
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May 7-31 sun tues that.

WANTED—Miscellaneous.

WANTED—Ladies to



## ALL EYES ON US.

Georgia's Fruit and Mineral Lands Attract the Country's Attention.

MANY INQUIRIES ARE BEING RECEIVED

The State Should Have Some Publication Containing Information - It Would Draw Settlers and Investors.

Concerning the matter of diamonds, Do you know that we are the only direct importers in the country? Do you know that we export altogether the New York importers' profit and give our customers the benefit of this advantage?

We will sell you a fine stone at the same price that many others charge for imperfect goods. We keep only flawless diamonds. Come and see us about it. J. P. Stevens & Bro., 47 Whitehall street, Atlanta, Ga.

look here!

do you know that there are lots of dealers who are imposing on you? they are selling an old oscar pepper whisky that is not genuine.

we are agents for the "pure quill;" you can tell it by its green label and cap.

bluthenthal & bickart,

"b. & b."

14 and 40, marietta street. phone, 378.

"canadian club,"  
"schlitz milwaukee beer,"  
"goulet champagne,"  
"four aces whisky."

You Are Cordially Invited

To visit our newly fitted-up mantel parlors at 115, 117 and 119 W. Mitchell street, which we have just refurnished and decorated. Sixty different styles of mantels, all made by ourselves here in Atlanta. Everything guaranteed.

MAY MANTEL CO.

20 Years of marvelous success in the treatment of MEN and WOMEN.

**Dr. W. W. Bowes**  
ATLANTA, GA.,  
SPECIALIST IN  
Chronic, Nervous, Blood  
and Skin Diseases.

VARICOCELE and Hydrocele permanent-  
ly cured in every case.  
NERVOUS debility, seminal losses, de-  
spondency, etc., all bad habits  
STERILITY, IMPOTENCE. - Those  
desiring to marry, but are physically incapable  
of doing so, are cured.  
Blood and Skin diseases, Syphilis and its effects,  
Ulcers and Sores.  
Urinary Kidney and Bladder trouble.  
Exanthem, Pox, etc.  
Urethral Stricture permanently cured  
without cutting or caustics, at home, with no  
injury to the patient.

Send 5c. for catalog and question list.

Best of business references furnished. Address  
Dr. W. W. Bowes, 23 Marietta St. Atlanta, Ga.

Hello, 672!  
Is that Standard Wag-  
on Co.?

Yes.

Customer says: "I have decided to take that buggy and harness I was looking at this morning."

"All right; we will have it fitted up properly, so you can get it in time for afternoon drive."

Our goods are easily sold.

Standard Wagon Co.,  
38 and 40 Walton St.

## Electro poise

Prompt to act and correct in results. It kills the germs of disease and restores the vitality.

Insomnia  
Nervous  
Diseases

cannot remain in the system when this instrument is used.

Atlanta Electropoise Co.  
Gould Building, ATLANTA, GA.

Register at the City Tax Collector's Office, Chamber of Commerce Building, for the City Water Bonds Election. Books close Thursday, May 11th.

Georgia's fruit and mineral lands are attracting attention from one side of the country to the other. Inquiries are coming every day for information concerning them. All the real estate dealers get inquiries in their daily mail and the statehouse officers receive a great many. Most of the inquiries come to the secretary of state. Yesterday General Phil Cook, secretary of state, received a letter from Ohio, and another from Idaho, asking for information.

D. O. Webster, a lawyer of Mt. Vernon, O., wrote that a number of men of his city contemplated locating in the south and he asked for any reports which the state may have on fruit industry in Georgia. He said that his friends wanted to get an idea of the field before they came to make a personal investigation.

The other letter was dated at Camp Lost River, Id. This correspondent wrote that he is a prospector, and he wanted to know if there are mountain mineral lands in this state belonging to the state. He wished to know about the terms and conditions given to prospectors by the state for acquiring title.

Similar letters are constantly received at my office by General Cook, and I am sorry to say there is not a single paper published by the state for distribution giving any history of its geological formation, or of its products of any kind. The state's mines and mineral resources, its timber, its water power, its products and most recently, its railroads, its schools and its schools and its universities, are all inquiries after by intelligent people from the west who wish to move south. A cheap handbook published by the authority of the state for distribution among such inquirers would do more to diffuse a proper knowledge of the resources of the state among the people of distant states, and bring in more investments, and the agents that have ever been, or will be appointed by the state. Is it not strange that the legislature composed entirely of land owners should persistently refuse to make any appropriation for the publication of such information? In discussing this question with an old friend of mine, he said, "It was not a wise policy to increase the value of much land in our state to \$50 per acre. The old gentleman straightened himself and exclaimed most earnestly that if his land was ever worth \$50 per acre, it would ruin him to pay the tax. He owned about one thousand acres, valued at \$2 per acre, and trust me, if the state companies of the state and those interested in the fruit growing sections, will furnish the information asked for, as there is nothing in this department to supply the inquirers."

Governor Northern favored the publication of a pamphlet, and the subject was discussed at session last fall, but nothing was done by the legislature. An elaborate plan was needed, but something concise would give the information desired and bring to the state in a year a hundred times as much capital as the publication would cost.

Eve's Daughter's.

Marion Harland, on pages 103 and 445 of her popular work, "Eve's Daughters, or, Common Sense for Maid, Wife and Mother," says:

"For the aching back—should it be slow in recovering its normal strength in Alcock's Porous Plaster constantly renewing as it wears off. This is an invaluable support when the weight on the small of the back becomes heavy and the aching incessant."

Purity and wholesomeness are the physicians' endorsement of Angostura Bitters, manufactured by Dr. J. G. B. Siegert & Sons. At all druggists.

WITHOUT PAIN OR CONFINEMENT.

Opium and Whisky Habits Cured at Your Home.

Patients continue business while undergoing treatment. We have all kinds of drugs prepared, and all kinds of prescriptions do not need them. No treatment yet discovered to compare with these. Have given special study and practiced to these, and for the past twenty years, with continued and successful increase in practice. Book of cures free. B. M. Woolley, M.D., Atlanta, Ga.

For the Intelligent Smoker.

Going to the demand for my Havana cigars I have removed my factory to No. 5 Broad street, where I have better facilities. I select the best leaf tobacco personally in the district of Cuba, and bring the house. I will the smokers call at my factory to inspect the making of them and the material used.

A. L. CUESTA, No. 5 North Broad St.

Telephone, 404. April 21-1m.

The "Castilla" school of Foreign Languages

Under the patronage of the most distinguished citizens of Atlanta.

Spanish and French taught by the best methods in all their branches. Conversation free. Address Professor B. Collonge, Principal.

122 Spring Street, Professor B. Collonge, French, in West End Academy.

pr27-1m.

Do not fail to be "at the Grand" the 11th, afternoon and night, to hear the finest of concerts ever given in Atlanta. The New York symphony orchestra of sixty-five artists. Steinway pianos used exclusively. Freyer & Bradley Music Company, general agents, 63 Peachtree street, may-9-3t

WORLD'S FAIR ALBUMS

Given Away by the C. H. and D. "The World's Fair" Route from Cleveland.

A magnificent album of world's fair views will be published by the Cincinnati, Hamilton and Dayton railroad which will be sent to any address on receipt of 10 cents in stamps. The Cincinnati, Hamilton and Dayton in connection with the Monon is to be the first railroad to have perfectly safety tested trains with double cars from Cincinnati to Chicago.

The "Velvet" trains of the Cincinnati, Hamilton and Dayton are the admitted "finest on earth, and the line is a representative of world's fair routes. For tickets, rates, etc., address any Cincinnati, Hamilton and Dayton agent. To get an address send your address, with 10 cents in stamps to G. O. McCormick, general passenger and ticket agent, Cincinnati, O., Oct 22 sun fri

Wanted.

We want to secure a good representative in every town and village in middle and south Georgia to assist us in handling the fruit and melon crop. Will make it necessary to the right parties. Write at once to L. M. Lovelace Commission Company, Atlanta, Ga.

Nonday prayer meeting at Young Men's Christian Association hall. Every day from 12 to 1 o'clock.

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